

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**MICHAEL MOODY,**

**Defendant.**

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**8:08CR116**

**ORDER**

This matter is before the court on the motion for an extension of time by defendant Michael Moody (Moody) (Filing No. 21). Moody seeks an extension of at least thirty days in which to file pretrial motions. Moody's counsel represents that Moody will file an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Moody's counsel represents that the government's counsel has no objection to the motion. Upon consideration, the motion will be granted. **No further extensions of the pretrial motion deadline will be granted absent a showing by affidavit of due diligence and that a manifest injustice would occur if the extension were not granted.**

**IT IS ORDERED:**

Defendant Moody's motion for an extension of time (Filing No. 21) is granted. Moody is given until **on or before October 24, 2008**, in which to file pretrial motions. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **September 16, 2008 and October 24, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)..

DATED this 16th day of September, 2008.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge